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April 15, 2005

DOCKET FILE COPY ORIGINAL

VIA HAND DELIVERY

Aaron H. Shainis

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Lee J. Peltzman

Ms. Marlene H. Dortch, Esq. Secretary Federal Communications Commission Portals II – 12th Street Lobby Filing Counter - TW-A325 445 12th Street, SW Washington, D.C. 20554

RECEIVED

APR 1 5 2005

Federal Communications Commission Office of Secretary

Re:

MB Docket No. 04-317 **Logansport Broadcasting**

Dear Ms. Dortch:

Transmitted herewith, on behalf of Logansport Broadcasting, is an original and four (4) copies of its Request for Approval of Withdrawal in the above-referenced rule making proceeding. Please contact undersigned counsel in the event the Commission has any questions with respect to this filing.

Sincerely

Lee J. Peltzma

Counsel for

LOGANSPORT BROADCASTING

LJP/kdm

Enclosure

19, 000 - 19, 000 - 194

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION RECEIVED WASHINGTON, DC 20554

APR 1 5 2005

In the Matter of

Amendment of Section 73.202(b))	Federal Communications Commission Office of Secretary
Table of Allotments)	MB Docket No. 04-317
FM Broadcast Stations)	RM - 11004
(Center, Texas, and Logansport, Louisiana))	RM - 11118

To: Office of the Secretary

Attn: Audio Division, Media Bureau

REQUEST FOR APPROVAL OF WITHDRAWAL

Logansport Broadcasting ("Logansport"), by its counsel, hereby requests approval to withdraw its expression of interest filed on October 4, 2004, in the above-captioned proceeding. In support of its request, Logansport submits the following:

Logansport has filed a counterproposal in the above-captioned proceeding for the allotment of Channel 248A to the community of Logansport, Louisiana and also expressed an interest in applying for Channel 248A at Logansport, and constructing its station when its application is granted. On April 5, 2005, Logansport filed its Request for Approval of Withdrawal. As noted in the attached Certification, Jack Russell, a principal of Logansport Broadcasting, initially determined that he would withdraw the Logansport expression when the matter was presented to him. A few days later, upon learning that the Commission might consider his dismissal request immediately, he concluded that he needed additional time to reflect upon his options. He therefore requested the dismissal of the Logansport Request for Approval of Withdrawal, which occurred on April 11, 2005. Upon further reflection, however, Mr. Russell has decided that his initial reaction was correct and he has decided to seek the

withdrawal of the Logansport expression of interest and Commission dismissal of its October 4, 2004 Counterproposal.

2. Pursuant to Section 1.420(j) of the Commission's rules, an affidavit explaining the Logansport withdrawal of its expression of interest is attached hereto. That affidavit explains that neither Logansport nor its principals have received or have been promised any money or other consideration in excess of Logansport's legitimate and prudent expenses in exchange for its withdrawal of its expression of interest in MB Docket No. 04-317.

In view of the above, Logansport requests that the Commission permit it to withdraw its October 4, 2004 counterproposal and expression of interest in MB Docket No. 04-317.

Respectfully submitted,

LOGANSPORT BROADCASTING

By:

Lee Peltzman

Shainis & Peltzman, Chartered

Suite 240

1850 M Street NW

Washington DC 20036

(202) 293-0011

April 15, 2005

Its Counsel

CERTIFICATION OF LOGANSPORT BROADCASTING

I, Jack Russell, a principal of Logansport Broadcasting ("Logansport"), hereby state that neither Logansport not its principals have received or will receive any money or other consideration in excess of Logansport's legitimate and prudent expenses in exchange for the withdrawal of its expression of interest in MB Docket No. 04-317. I previously executed a certification as part of a Logansport request to withdraw its counterproposal. A few days later I sought to have that request dismissed because I needed additional time to consider my options when I learned that the Commission was ready to act on the dismissal request. I now have reflected on the matter sufficiently to appreciate that I do wish to have the Logansport counterproposal and expression of interest dismissed.

Cumulus Licensing LLC has agreed to reimburse Logansport its legitimate and prudent expenses in exchange for Logansport's withdrawal of its expression of interest in MB Docket No. 04-317. An itemization of those expenses is attached here to as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 15th day of April, 2005.

2

Jack Russe

EXHIBIT A

ITEMIZATION OF EXPENSES

Engineering Expenses:

\$4,197.27

Legal Expenses:

\$5,750.00

Out of Pocket Expenses:

\$22.00

Total Expenses:

\$9,969.27

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (this "Agreement") is made and entered into this 15th day of April, 2005, between Cumulus Licensing LLC ("Cumulus") and Logansport Broadcasting Corporation ("Logansport"), with reference to the following recitals:

- A. On March 31, 2005, Cumulus submitted to the Federal Communications Commission ("FCC") a counterproposal in MB Docket No. 05-47 for changes in the FM Table of Allotments (the "Rule Making Proposal") to permit its station KBED(FM), Oil City, Louisiana, to operate on another frequency and change its city of license.
- B. Logansport has agreed to accommodate the Rule Making Proposal by withdrawing its expression of interest for Channel 248A at Logansport, Louisiana in MB Docket No. 04-317 (the "Logansport Withdrawal"). To effectuate the Logansport Withdrawal, Logansport is filing a Request for Approval of Withdrawal (the "Request") at the FCC.
- C. In consideration of the Logansport Withdrawal and the Request, pursuant to Section 1.420(j) of the FCC's Rules, Cumulus agrees to reimburse Logansport for its legitimate and prudent expenses.
- D. Together, the Rule Making Proposal and the Logansport Withdrawal will serve the public interest by providing better service to the public.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and agreements set forth herein, Cumulus and Logansport hereby agree as follows:

- 1. <u>Logansport's Obligations</u>. Logansport agrees to withdraw its expression of interest in MB Docket No. 04-317, until action in that docket is final.
- 2. <u>Cumulus' Obligations</u>. Within five (5) days of the date that the action in MB Docket No. 04-317 becomes a Final Order, Cumulus shall transmit a check to Logansport, at the address listed in Exhibit A, as reimbursement for Logansport's legitimate and prudent expenses in MB Docket No. 04-317 (the "Expenses"). The amount of the Expenses are detailed in Exhibit A, attached hereto. For the purposes of this Agreement, a "Final Order" is an action of the FCC that is no longer subject to further administrative or judicial review under applicable law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CUMULUS LICENSING, LLC

By: Its:

LOGANSPORTBROADCASTING

Ву

Its: Bartner

CERTIFICATE OF SERVICE

I, Karen McNeill, do hereby certify that I have on this 15th day of April, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Withdrawal" to the following:

Sharon P. McDonald Media Bureau Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Charles Crawford 4553 Bordeaux Avenue Dallas, TX 75205

Gene A. Bechtel Law Office of Gene Bechtel Suite 600 1050 17th Street, NW Washington DC 20036

Noalmark Broadcasting Corporation 202 West 19th Street El Dorado, AK 71730

Mark N. Lipp Vinson & Elkins, L.L.P. 1455 Pennsylvania Ave. NW Suite 600 Washington, D.C. 20004-1008

Karen McNeill

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